

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

JACOB SMITH,

Plaintiff,

v.

CHARLES DANIELS, *et al.*,

Defendants.

Case No. 3:20-cv-00299-MMD-CSD

ORDER

*Pro se* Plaintiff Jacob Smith filed a civil rights complaint under 42 U.S.C. § 1983. (ECF No. 4.) Before the Court is the Report and Recommendation (“R&R”) of United States Magistrate Judge William G. Cobb (ECF No. 28), recommending that Smith’s motion for leave to amend (ECF No. 21) be denied, and that his motion to add exhibits to his proposed amended complaint (ECF No. 23) and his motion for Defendants’ consent to amend his complaint (ECF No. 22) be denied as moot. Smith had until January 18, 2022, to file an objection. To date, no objection to the R&R has been filed. For this reason, and as explained below, the Court adopts Judge Cobb’s R&R in full.

The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party fails to object to a magistrate judge’s recommendation, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *see also United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.”) (emphasis in original); Fed. R. Civ. P. 72, Advisory Committee Notes (1983) (providing that the Court “need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”).

1 Because there is no objection, the Court need not conduct *de novo* review, and is  
2 satisfied Judge Cobb did not clearly err. Here, Judge Cobb recommends denying Smith's  
3 motion for leave to amend because amendment would be futile as Smith does not state  
4 any additional viable claims in his proposed amended complaint. (ECF No. 28 at 9.)  
5 Accordingly, his pending motions should be denied as moot. (*Id.*) The Court agrees with  
6 Judge Cobb. Having reviewed the R&R and the record in this case, the Court will adopt  
7 the R&R in full.

8 It is therefore ordered that Judge Cobb's Report and Recommendation (ECF No.  
9 28) is accepted and adopted in full.


10 It is further ordered that Plaintiff Jacob Smith's motion for leave to amend (ECF  
11 No. 21) is denied.

12 It is further ordered that Smith's motion to add exhibits to his proposed amended  
13 complaint (ECF No. 23) is denied as moot.

14 It is further ordered that Smith's motion for Defendants' consent to amend his  
15 complaint (ECF No. 22) is denied as moot.

16 DATED THIS 31st Day of January 2022.

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MIRANDA M. DU  
CHIEF UNITED STATES DISTRICT JUDGE